

ASSEMBLY, No. 3787

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman WILLIAM F. MOEN, JR.
District 5 (Camden and Gloucester)

SYNOPSIS

“Drew’s Law”; allows counties and municipalities to establish, or request DOT to establish, 15 miles per hour speed limit in or near certain parks and to set increased penalty for violating speed limit.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning speed limits in or near certain public parks,
2 designated as Drew's Law, and amending R.S.39:4-98 and
3 R.S.39:4-104.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.39:4-98 is amended to read as follows:

9 39:4-98. Rates of speed. Subject to the provisions of
10 R.S.39:4-96 and R.S.39:4-97 and except in those instances where a
11 lower speed is specified in this chapter, it shall be prima facie
12 lawful for the driver of a vehicle to drive it at a speed not exceeding
13 the following:

14 a. (1) Twenty-five miles per hour, when passing through a school
15 zone during recess, when the presence of children is clearly visible
16 from the roadway, or while children are going to or leaving school,
17 during opening or closing hours;

18 (2) Twenty-five miles per hour on certain portions of Route 130
19 in Burlington City, Burlington County, as provided by paragraphs
20 (1) and (2) of subsection a. of section 3 of P.L.2019, c.5 (C.39:4-
21 98.12);

22 (3) Thirty-five miles per hour on certain portions of Route 130 in
23 Burlington City, Burlington County, as provided by paragraphs (3)
24 and (4) of subsection a. of section 3 of P.L.2019, c.5 (C.39:4-
25 98.12);

26 b. (1) Twenty-five miles per hour in any business or residential
27 district;

28 (2) Thirty-five miles per hour in any suburban business or
29 residential district;

30 (3) Fifteen miles per hour pursuant to the provisions of section 2
31 of P.L. , c. (C.) (pending before the Legislature as this
32 bill);

33 c. Fifty miles per hour in all other locations, except as
34 otherwise provided in the "Sixty-Five MPH Speed Limit
35 Implementation Act," pursuant to **[section 2 of]** P.L.1997, c.415
36 (C.39:4-98.3 et al.).

37 Whenever it shall be determined upon the basis of an engineering
38 and traffic investigation that any speed hereinbefore set forth is
39 greater or less than is reasonable or safe under the conditions found
40 to exist at any intersection or other place or upon any part of a
41 highway, the Commissioner of Transportation, with reference to
42 State highways, may by regulation and municipal or county
43 authorities, with reference to highways under their jurisdiction, may
44 by ordinance, in the case of municipal authorities, or by ordinance
45 or resolution, in the case of county authorities, subject to the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 approval of the Commissioner of Transportation, except as
2 otherwise provided in R.S.39:4-8, designate a reasonable and safe
3 speed limit thereat which, subject to the provisions of R.S.39:4-96
4 and R.S.39:4-97, shall be prima facie lawful at all times or at such
5 times as may be determined, when appropriate signs giving notice
6 thereof are erected at such intersection, or other place or part of the
7 highway. Appropriate signs giving notice of the speed limits
8 authorized under the provisions of paragraph (1) of subsection b.
9 and subsection c. of this section may be erected if the commissioner
10 or the municipal or county authorities, as the case may be, so
11 determine they are necessary. Appropriate signs giving notice of
12 the speed limits authorized under the provisions of subsection a.
13 and paragraph (2) of subsection b. of this section shall be erected by
14 the commissioner or the municipal or county authorities, as
15 appropriate.

16 When designating reasonable and safe speed limits for a street
17 under its jurisdiction pursuant to this subsection, as part of an
18 engineering and traffic investigation, a municipality or county shall
19 consider, but not be limited to, the following criteria: residential
20 density; the presence, or lack, of sidewalks; the prevalence of entry
21 and exit ways for business and commercial establishments; whether
22 school children walk adjacent to the street on their way to and from
23 school; and the proximity of recreational or park areas, schools,
24 community residences, family day care homes, child care centers,
25 assisted living facilities, or senior communities. Nothing in this
26 paragraph shall substitute for traffic count, accident, and speed
27 sampling data as appropriate.

28 The driver of every vehicle shall, consistent with the
29 requirements of this section, drive at an appropriate reduced speed
30 when approaching and crossing an intersection or railway grade
31 crossing, when approaching and going around a curve, when
32 approaching a hill crest, when traveling upon any narrow or
33 winding roadway, and when special hazard exists with respect to
34 pedestrians or other traffic or by reason of weather or highway
35 conditions.

36 The Commissioner of Transportation shall cause the erection and
37 maintenance of signs at such points of entrance to the State as are
38 deemed advisable, setting forth the lawful rates of speed, the
39 wording of which shall be within the commissioner's discretion.

40 (cf: P.L.2019, c.5, s.4)

41

42 2. (New section) a. Notwithstanding the provisions of any
43 other law to the contrary, a county or municipality may establish,
44 by resolution or ordinance as appropriate, a speed limit of 15 miles
45 per hour:

46 (1) on county or municipal roads located in a park owned or
47 controlled by the county or municipality during hours of operation,

1 when children are clearly visible from the roadway, or while
2 children are going to or leaving a park event; or

3 (2) on county or municipal roads adjacent to a park owned or
4 controlled by the State or the county or municipality during hours
5 of operation, when children are clearly visible from the roadway, or
6 while children are going to or leaving a park event.

7 b. Notwithstanding the provisions of any other law to the
8 contrary, the Department of Transportation may establish, by
9 written order of the commissioner, a speed limit of 15 miles per
10 hour on State roads which are located in or directly adjacent to a
11 park owned or controlled by the State or a county or municipality
12 during hours of operation, when children are clearly visible from
13 the roadway, or while children are going to or leaving a park event
14 if the county or municipality in which the park is located adopts a
15 resolution or ordinance, as appropriate, requesting that the
16 department adopt the 15 miles per hour speed limit.

17 c. A State, county, or municipal road with a 15 miles per hour
18 speed limit established pursuant to subsection a. or subsection b. of
19 this section shall include proper signage to notify operators of
20 motor vehicles of the reduced speed limit.

21 d. As used in this section:

22 "Park" means a park, playground, picnic area, square, monument,
23 beach, waterfront, recreation area, conservation area, or similar
24 place or property.

25 "Playground" means an improved area designed, equipped, and
26 set aside for play of six or more children which is not intended for
27 use as an athletic playing field or athletic court, and shall include
28 any play equipment, surfacing, fencing, signs, internal pathways,
29 internal land forms, vegetation, and related structures.

30
31 3. R.S.39:4-104 is amended to read as follows:

32 39:4-104. **[A]** a. Except as provided in subsection b. of
33 this section, a person violating a section of this article shall, for
34 each violation, be subject to a fine of not less than **[\$50.00]** \$50 or
35 more than **[\$200.00]** \$200 , or imprisonment for a period not
36 exceeding 15 days, or both, except as herein otherwise provided.

37 b. A person violating paragraph (3) of subsection b. of
38 R.S.39:4-98 shall be subject to a fine of not less than \$100 or more
39 than \$400, as determined by the county or municipality by
40 resolution or ordinance.

41 (cf: P.L.1982, c.45, s.4)

42
43 4. This act shall take effect immediately.

44 45 STATEMENT

46
47 This bill allows a county or municipality to establish a speed
48 limit of 15 miles per hour on county or municipal roads in or

1 adjacent to a park owned or controlled by the county or
2 municipality, or adjacent to a park owned or controlled by the State,
3 during hours of operation, when children are clearly visible from
4 the roadway, or while children are going to or leaving a park event.
5 The bill allows the Commissioner of Transportation to establish a
6 speed limit of 15 miles per hour on State roads which are located in
7 or directly adjacent to a park owned or controlled by the State or a
8 county or municipality during hours of operation, when children are
9 clearly visible from the roadway, or while children are going to or
10 leaving a park event upon request from the county or municipality
11 in which the park is located. Any road with a 15 miles per hour
12 speed limit established pursuant to the bill is required to provide
13 proper signage to notify operators of motor vehicles of the reduced
14 speed limit. The term "park" is defined to mean a park, playground,
15 picnic area, square, monument, beach, waterfront, recreation area,
16 conservation area, or similar place or property.

17 Under current law, a person who exceeds the speed limit may be
18 fined not less than \$50 or more than \$200. This bill allows a county
19 or municipality to establish a fine not less than \$100 or more than
20 \$400 for violating the 15 miles per hour speed restriction on roads
21 in parks or adjacent to parks during hours of operation, when
22 children are clearly visible from the roadway, or while children are
23 going to or leaving a park event.

24 This bill is named "Drew's Law" in honor of Drew Keough. On
25 April 22, 2014, 11 year-old Drew was tragically struck and killed
26 by a motor vehicle while crossing the street near Keansburg's
27 Forest Park after playing basketball in the park. His untimely death
28 was a shock to the community and hundreds of people gathered to
29 grieve his death by candlelight vigil the following day. In light of
30 this tragedy, the bill endeavors to prevent fatal motor vehicle
31 accidents in or near parks by allowing counties and municipalities
32 to reduce the speed limit to 15 miles per hour, at certain times, on
33 streets passing through and adjacent to certain parks.